

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Scott Thielen, and
Stephanie Thielen,

Debtors.

Case no. 03-37037 (GFK)
Adv. Pro. No. 04-3020

Alert Cable TV of South Carolina, Inc.,
d/b/a Time Warner Cable and Time Warner
Entertainment,

Plaintiff,

ANSWER OF DEFENDANTS

v.

Scott Thielen, and
Stephanie Thielen.

Defendants.

Defendants Scott Thielen and Stephanie Thielen, for their Answer to the Complaint of Plaintiff state as follows:

1. Defendants deny each and every allegation contained in the Complaint of the Plaintiff, unless otherwise admitted or otherwise qualified herein.
2. As to the allegations contained in paragraphs 3, 8, 9,10, and 11 of the Complaint of Plaintiff, defendants admit said allegations.
3. As to the allegations contained in paragraphs 1, 2, 4, 5, 6, 7, 8, 12,13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 28, 29, 37, and 38 of the Complaint of the Plaintiff, defendants are without sufficient information to either admit or deny said allegations and accordingly, put the plaintiff to its strict proof thereof.
4. As to the allegations contained in paragraphs 24, 25, 27, 30, 31, 32, 33, 34, 35, 36, 39, 40, 41, 42, 43, and 44 of the Complaint of the Plaintiff, defendants deny said allegations and put the plaintiff to its strict proof thereof.

AFFIRMATIVE DEFENSES

5. That the alleged conduct of defendants does not constitute false pretenses, a false representation, actual fraud or any other conduct which would cause the alleged debt to plaintiff to be non-dischargeable pursuant to 11 U.S.C. 523, et seq.
6. That the case of Archer v. Warner, 123 S.Ct. 1462 155 :/Ed.2d 454 (Mar. 31, 2003), is not controlling or dispositive in the instant case.

WHEREFORE, defendants Scott Thielen and Stephanie Thielen pray that the plaintiff take nothing from its alleged Complaint, and that the Complaint be dismissed with prejudice.

Dated: February 4, 2004

/s/ Robert C. Black, III
Robert C. Black, III
Attorney for Respondent
Suite 190
7400 Metro Boulevard
Edina MN 55439
612-831-1454
Attorney Reg. No. 18685 MN

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Defendants.

CERTIFICATE OF SERVICE

Robert C. Black, III, states and affirms as follows:

On February 4, 2004, I forwarded a copy of the Answer of Defendants and Certificate of Service regarding the above-captioned matter via US Mail to the following:

Mr. Amy J. Swedberg
Maslon Edelman Borman & Brand, LLP
3300 Wells Fargo Tower
90 South 7th Street
Minneapolis MN 55402

US Trustee
1015 US Courthouse
300 South Fourth Street
Minneapolis MN 55415

Dated: February 4, 2004

/s/ Robert C. Black, III
Robert C. Black, III